IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Friedlander et al.		**Conf. No.:**	8622
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Title: SYSTEM AND METHOD FOR
IMPLEMENTING TECHNICAL
CHANGE IN AN ORGANIZATION
HAVING MULTIPLE HIERARCHIES

Docket No.: BLD9 2001 0003US1
        (IBME-0008)

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REPLY BRIEF OF APPELLANTS

This is Reply to the Examiner's Answer of December 9, 2008 which included a new ground of rejection. Appellant chooses to maintain the Appeal by filing this Reply Brief.

REAL PARTY IN INTEREST

International Business Machines Corporation is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

As filed, this application included claims 1-33. Claims 1-33 remain pending. Claims 1-33 are Finally Rejected and are Appealed.

STATUS OF AMENDMENTS

The (first) Final Rejection was mailed on December 2, 2005. Applicant filed an Appeal to which the Examiner responded with a nonFinal Rejection mailed July 3, 2006. In response, Applicant filed an Amendment of October 3, 2006 which was entered. The Examiner made another NonFinal Action of December 12, 2006 to which Applicant filed an Amendment of March 12, 2007 which was entered. The Examiner made a (second) Final Rejection of June 1, 2007 to which Applicant responded with an Appeal. No amendment was submitted in response to the Final Rejection of June 1, 2007.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention provides a system and method for implementing technical change in an organization having multiple hierarchies. Specifically, the present invention provides an analysis system that uses both qualitative and quantitative measures to determine a predicted response to technical change. The predicted responses are then compared to a "normal" or required level to determine any difference. Based on the difference, if any, corrective actions are recommended. The system and method of the present invention allow the technical change to be implemented with little or no adverse reaction from the hierarchies within the organization.

Claim 1 claims a computer implemented method for preparing for implementing technical change in an organization having multiple hierarchies, (see e.g., page 8, lines 22-24; FIG. 1, item 28) comprising the steps of: in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization: (see e.g., page 12, lines 9-10) querying a hierarchy in the organization to obtain a baseline response regarding skills and training of members of the hierarchy based on those that are needed to implement the technical change; (see e.g., page 12, line 7 through page 14 line 2; FIG. 2, item 42 and 44) automatically quantifying the baseline response into a raw score that indicates the skills and the training by assigning a value to each baseline response; (see e.g., page 14, lines 3-13; FIG. 2, item 46) modifying the raw score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change to yield a skill score; (see e.g., page 14, line 14 through page *15,* line 21; FIG. 2, item 48) and comparing the skill score to a predetermined required score to determine a predicted response to the technical change; (see e.g., page *15,* line 22 through page 17 line 10; FIG. 2, items 50 and *52)* ; and outputting the predicted response to the technical change (see e.g., page 17, line 11 through col. 18, line 11; FIG. 2, item *54).*

Claim 10 claims a computer implemented method for preparing for implementing technical change in an organization having multiple hierarchies, (see e.g., page 8, lines 22-24; FIG. 1, item 28) comprising the steps of: in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization: (see e.g., page 12, lines 9-10) querying each of the hierarchies in the organization regarding skills and training of members of the hierarchy based on those that are needed to implement the technical change, receiving a set of hierarchy responses to the querying, (see e g, page 12, line 7 through page 14 line 2; FIG. 2, item 42 and 44) quantifying the set of responses into a raw score that indicates the skills and the training by automatically assigning a value to each baseline response; (see e.g., page 14, lines 3-13; FIG. 2, item 46) modifying the raw score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change to yield a skill score; (see e.g., page 14, line 14 through page *15,* line 21; FIG. 2, item 48) comparing the skill score to a predetermined required score to determine a predicted response to the technical change; (see e.g., page 15, line 22 through page 17 line 10; FIG. 2, items *50* and *52)* and recommending a corrective action based on the predicted response; and implementing the technical change in the organization (see e.g., page 17, line 11 through col. 18, line 11; FIG. 2, item *54).*

Claim 15 claims a program product stored on a recordable medium for preparing for implementing technical change in an organization having multiple hierarchies, (see e.g., page 8, lines 22-24; FIG. 1, item 28) which when executed, comprises: program code configured to receive a set of hierarchy responses to queries regarding skills and training of members of the hierarchy based on those that are needed (see e.g., page 12, line 7 through page 14 line 2; FIG. 2, item 44) in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization: (see e.g., page 12, lines 9-10) program code configured to automatically quantify the set of responses into a raw score that indicates the skills and the training; (see e.g., page 14, lines 3-13; FIG. 2, item 46) program code configured to modify the raw score into a skill score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change; (see e.g., page 14, line 14 through page 15, line 21; FIG. 2, item 48) and outputting, based on the skill score, a predicted response to the technical change (see e.g., page 17, line 11 through col. 18, line 11; FIG. 2, item 54).

Claim 23 claims a computer implemented system for preparing for implementing technical change in an organization having multiple hierarchies, (see e.g., page 8, lines 22-24; FIG. 1, item 28) comprising: a hierarchy response system for receiving a set of hierarchy responses to queries regarding skills and training of members of the hierarchy based on those that are needed (see e.g., page 12, line 7 through page 14 line 2; FIG. 2, item 44) in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization: (see e.g., page 12, lines 9-10) a quantification system for automatically quantifying inputted responses into a raw score that indicates the skills and training; (see e.g., page 14, lines 3-13; FIG. 2, item 46) and a modification system for modifying the raw score into a skill score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change; (see e.g., page 14, line 14 through page 15, line 21; FIG. 2, item 48) and an output system for outputting, based on the skill score, a predicted response to the technical change (see e.g., page 17, line 11 through col. 18, line 11; FIG. 2, item 54).

Claim 32 claims a system for preparing for implementing technical change in an organization having multiple hierarchies, (see e.g., page 8, lines 22-24; FIG. 1, item 28) means for receiving a set of hierarchy responses to queries regarding skills and training of members of the hierarchy based on those that are needed (see e.g., page 12, line 7 through page 14 line 2; FIG. 2, item 44) in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization (see e g , page 12, lines 9-10) means for quantifying inputted responses into a raw score that indicates the skills and the training by automatically assigning a value to each baseline response; (see e.g., page 14, lines 3-13; FIG. 2, item 46) means for modifying the raw score into a skill score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change (see e.g., page 14, line 14 through page *15,* line 21; FIG, 2, item 48) and means for outputting, based on the skill score, a predicted response to the technical change (see e.g., page 17, line 11 through col. 18, line 11; FIG. 2, item 54).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-33 stand rejected under *35* U.S.C. § 112, first paragraph, as not being enabling.

2. Claims 1, 3-5, 11, 12, 15, 17, 19, 21, 23, 25, 26 and 30 stand rejected under 35 U.S.C. § 103(a), being unpatentable over Guinta (U. S. Patent App. No. 6,161,101), hereafter "Guinta," in view of Curtis, Bill, Hefley, William E , Miller, Sally, "People Capability Maturity Model^{SM}, Sept 1995, Software Engineering Institute, CMU/SEI-95-MM-02, sections O, L1-L4, hereafter "Curtis."

3. Claims 2, 7-10, 14, 16, 22, 24, 27 and 31-33 stand rejected under *35* U.S.C. §103(a) as being unpatentable over Guinta in view of Curtis.

4. Claims 6, 13, 20 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Guinta in view of Curtis.

5. Claims 18 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Guinta in view of Curtis and further in view of Bobic, Michael; Davis, Eric; Cunningham, Robert; "The Kirton adaption-innovation inventory", Spring 1999, Review of Public Personnel Administration, v19n2, pp. 18-3 1, Dialog 019th 101 47253077, hereafter "Bobic."

6. Claims 1-9 and 10-14 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter. This is a "new ground of rejection" raised in the Examiner's Answer Brief of 12/10/2008 (which prompted this Reply Brief).

ARGUMENT

1.   REJECTION OF CLAIMS 1-33 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Applicants respectfully submit that the rejection of claims 1-33 under *35* U.S.C. § 112, first paragraph, is defective. "Enablement is not precluded by the necessity for some experimentation such as routine screening. However, experimentation needed to practice the invention must not be undue experimentation **The key word is 'undue,' not 'experimentation..** .The determination of what constitutes undue experimentation in a given case requires the application of a standard of reasonableness, **having due regard for the nature of the invention and the state of the art.** *Ansul Co. v. Uniroyal, Inc.* {448 F.2d 872, 878-79:169 USPO *759,* 762-63 (2d Cir. 1971), *cert. denied,* 404 U.S. 1018, 30 L. Ed. 2d 666,92 S. Ct. 680 (1972)1. The test is not merely quantitative, since a **considerable amount of experimentation is permissible, if** it is merely routine, or if the specification in question provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed." *In re Wands,* 858 F.2d 731, 736-37(Fed. Cir. 1988)(emphasis added).

The Office states that the steps of the invention would produce a predicted response that is substantially different, depending on the individual that is utilizing these steps. In making this rejection, the Office points to the factors in *In re Wands.* However, Applicants respectfully submit that *Wands* is not controlling law, having been superseded, or at the minimum augmented, by *Ansul.* Furthermore, *Wands,* while providing the factors that the Office cites, also allows for routine experimentation within a specified direction. In the current case, a specific direction has been claimed for the querying to obtain a baseline response, i.e., regarding skills and training of members of the hierarchy based on those that are needed to implement the technical change. Applicants submit that this limitation narrows the focus of the query, and, as such, provides a more predictable result with regard to the results of the query, especially in light of upon the considerable known tools for determining skill proficiency in the art For example, given the Office's hypothetical construction companies, two individuals testing the employees' skills and training with regard to a particular word processing program would each be able to achieve queries that gave similar results. Accordingly, Applicants respectfully submit that the invention sufficiently enables one of skill in the art to practice the invention.

2. REJECTION OF CLAIMS 1, 3-5, 11, 12, 15, 17, 19, 21,23, 25, 26 AND 30 UNDER 35 **U.S.C. §103(a) OVER GUINTA IN VIEW OF CURTIS**

Appellants respectfully submit that the rejection of claims 1, *3-5,* 11, 12, *15,* 17, 19, 21, 23, 25, 26 and 30 under *35* U.S.C. 103(a) over Guinta in view of Curtis is defective.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Appellants respectfully submit that the Guinta and Curtis references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. § 103(a) is defective.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest querying, quantifying, modifying and comparing in preparation for implementing a pre-defined proposed technical change in a working environment of the organization. Instead, Guinta teaches that its invention is particularly suited for use in connection with methods and apparatus for assessing an organization process or system." Col. 2, lines 47-49. To this extent, the Guinta invention is used to assess an existing organization process or system. While it is true that a corrective action may occur *as* a result of the Guinta evaluation the corrective action is not taught as being pre-defined prior to the evaluation and the evaluation occurring in preparation for the proposed change.

Furthermore, nowhere do the cited references disclose contemplation of a technical change in the hardware or software using in the working environment of the organization (e.g., implementation of a new software application, installation of new hardware, etc). Rather, the potential solutions or improvements of Guinta are nondescript and do not specify that they are technical changes in the working environment. Furthermore, the changes described in Curtis relate to greater levels of maturity in technical processes for developing software. To this extent, the changes, if any, in Curtis are relegated to processes for developing software and, as such, are

not technical changes to hardware or software that is used in the working environment. In contrast, the claimed invention includes in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization." Claim 1. As such, in contrast to Guinta, the querying, quantifying, modifying and comparing steps of the claimed invention (or at least the querying step) are performed prior to and in preparation for implementing the technical change in the hardware or software is used in the working environment of the organization. Thus, Guinta does not teach each and every feature of the claimed invention.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest quantifying the baseline response into a raw score by automatically assigning a value to each baseline response. In support of its position, the Office cites various passages of Guinta. These passages of Guinta teach various ways for its assessor to initially answer a question, such as: entering a value on an analog scale (col. 8, lines 15-20), a numerical input that is utilized to indicate specific events or circumstances (col. 9, lines *52-53),* and a sliding scale with which a numerical input may be selected (col. *5,* lines 33-37). To this extent, Guinta teaches that the initial input that is supplied by the first assessor may be of various types. However, each of the values in the examples from Guinta provided by the Office are entered initially by its assessor and not later automatically assigned to the original baseline response. To this extent, Guinta does not teach that its assessor in any way quantifies the originally given response by automatically assigning a value to the previously given response.

In contrast, the claimed invention includes "...quantifying the baseline response into a raw score by automatically assigning a value to each baseline response." Claim 1, and similarly in claims 15 and 23. As such, in contrast to the various types of responses of Guinta that include a user entered percentage value on a 0-100 scale, the claimed invention quantifies the baseline response into a raw score by automatically assigning a value to each baseline response. For the above reasons, the automatic quantifying of the baseline response of the claimed invention is not taught by the various input types of Guinta. Curtis does not cure this deficiency.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest modifying the raw score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change to yield a skill score. Initially, as stated above, Guinta does not teach the raw score that is automatically generated by quantifying a baseline response, as in the claimed invention. Further, the passage of Guinta cited by the Office teaches that "[t]he numerical input shown in FIG. 4 may be modified based on a wide variety of factors preferred by the apparatus designers." Col. 9, lines 44-49. However, Guinta teaches that the modifying and filtering illustrated in FIG. 4 has the purpose of "...inhibiting validation/collection of exaggerated, untrue, and/or unsupported numerical inputs." Col. 9, lines 40-41. The Office further cites a discussion that it indicates that its second input indicates the capability of an organization process or system to address an issue. Col. 6, lines 49-63. However, this passage does not indicate that this indication is based on how responsive members of the hierarchy traditionally are to change, but rather "how extensively the organizational process or system is actually [presently] deployed to address that issue." Col. 6, lines *54-56*. The claimed invention, in contrast, includes "...modifying the raw score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change to yield a skill score." Claim 1. As such, the modifying of the claimed invention is not merely intended to assess the present deployment of an organization system or process as in Guinta, but rather uses at least one modifier that relates to how responsive members of the hierarchy traditionally are to change. For the above reasons, Guinta does not teach the modification step of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

In the above referenced Final Office Action, the Examiner alleges that the cited references teach or suggest comparing the skill score to a predetermined required score to determine a predicted response to the technical change prior to implementing the technical change in the organization. The Office admits that Guinta does not teach this feature of the claimed invention. Instead, the Office relies on Curtis. However, as stated elsewhere herein, Curtis does not relate to a technical change in the hardware or software used in the working environment of an organization, as does the claimed invention.

3. REJECTION OF CLAIMS 2, 7-10, 14, 16, 22, 24, 27 AND 31-33 UNDER 35 U.S.C. §103(a) OVER GUINTA IN VIEW OF CURTIS

Appellants initially incorporate the above enumerated arguments. Additionally, in the above referenced Final Office Action, the Examiner alleges that Guinta teaches or suggests recommending a corrective action based on the predicted response. As stated herein, Guinta does not teach predicting a response to a proposed change, but rather identifying and resolving a current problem. As such, the "...suggest[ing of] guidelines for the organization to improve the weaknesses" of the cited passage of Guinta suggests guidelines to improve current weaknesses identified by Guinta and is not based on a predicted response to change as in the claimed invention. Thus, the cited references do not teach or suggest each and every feature of the claimed invention.

4. REJECTION OF CLAIMS 6,13,20 AND 29 UNDER 35 U.S.C. §103(a) OVER GUINTA IN VIEW OF CURTIS

Appellants initially incorporate the above enumerated arguments. Additionally, in the above referenced Final Office Action, the Examiner alleges that Guinta teaches or suggests each query comprises a set of questions, with each question in the set of questions in a yes/no/sometimes format. The Examiner admits that Guinta does not teach a yes/no/sometimes format, much less that each question in the set of questions is in a yes/no/sometimes format. Final Office Action, page 20. Instead, the Examiner takes Official notice that "… it is old and well known in the art for queries to have an answer as 'sometimes'." Final Office Action, page 20. Appellants assert that the Examiner's factual assertion is not properly based upon common knowledge. For example, Appellants assert that a query of an organization to obtain a baseline response used to determine a predicted response to a technical change in the organization, wherein each question in the query is in a yes/no/sometimes format is not obvious to one skilled in the art as asserted by the Examiner. Accordingly, the Examiner has failed prove a *prima facie* case of obviousness.

5. REJECTION OF CLAIMS 18 AND 28 UNDER 35 U.S.C. §103(a) OVER GUINTA IN VIEW OF CURTIS AND BOBIC

Appellant initially incorporates the above enumerated arguments. Additionally, in the above referenced Final Office Action, the Examiner alleges that it would be obvious to combine Guinta and Bobic. The Examiner admits that Guinta does not teach that the modifier used to modify the raw score comprises at least one of a stiffness modifier that relates to how a particular type of organization traditionally responds to change and an individual modifier that relates to how a particular individual traditionally responds, to change. Final Office Action, page 21. Instead, the Examiner cites a passage of Bobic that that Examiner claims provides scores that measure how an individual traditionally responds to change by helping to quantify them as either an innovator or adaptor.

Even assuming, *arguendo,* that the Examiner's interpretation of Bobic is correct there is no motivation or suggestion in the references themselves or elsewhere in the art to incorporate the quantification of Bobic into Guinta. Initially, as stated above, Guinta neither teaches nor suggests predicting a response to change. Thus, Guinta and Bobic are in different fields of art. Furthermore, one goal of Guinta is to address a problem with surveys in validation of the accuracy and truthfulness of the answers received. Col. 1, lines 33-35. Guinta implements its solution to this problem using the second input to verify the data of the first input. Col. 6, line 32 through col. 7, line 14. It is this second input of Guinta that the Examiner equates with the modifier of the claimed invention and that the Examiner seeks to replace with the scores of Bobic that measure how an individual traditionally responds to change. However, this replacement would change the essential nature of the second input that Guinta uses to verify responses and would, thus, cause Guinta to not be able to verify its first input responses. As such, the combination of Bobic with Guinta would defeat the intended function of Guinta. Thus, the Examiner has failed to prove a *prima facie* case of obviousness.

6.   REJECTION OF CLAIMS 1-9 AND 10-14 UNDER 35 USC 101

Claims comply with 35 USC 101 if they (1) are tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The Examiner asserts "claims 1-9 and 10-14 are non-statutory since they may be performed within the human mind and fail to positively recite a transformation of data." Appellants respectfully traverse this rejection based on the following.

Claim 1 recites "a **computer implemented** method for preparing for implementing technical change in an organization having multiple hierarchies, comprising the steps of:

in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization:

querying a hierarchy in the organization to obtain a baseline response regarding skills and training of members of the hierarchy based on those that are needed to implement the technical change;

automatically quantifying the baseline response into a raw score that indicates the skills and the training by assigning a value to each baseline response;

modifying the raw score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change to yield a skill score; and

comparing the skill score to a predetermined required score to determine a predicted response to the technical change; and

outputting the predicted response to the technical change." (Emphasis added)

Thus, claim 1 recites a "**computer implemented** method" which is tied to a particular apparatus, i.e. a computer, and therefore, is not performed within the human mind. Claim 1 also recites the step of "**automatically quantifying** the baseline response into a raw score" which indicates a computer implementation, and therefore, is not performed within the human mind. Therefore, the rejection under 35 USC 101 should be reversed. Claims 2-9 depend directly or indirectly on claim 1, and therefore, satisfy 35 USC 101 by virtue of the elements of claim 1.

Independent claim 10 similarly recites a "**computer implemented**" method, and "**automatically assigning** a value to each baseline response", which are tied to a particular apparatus, i.e. a computer, and therefore, are not performed within the human mind. Therefore, the rejection under 35 USC 101 should be reversed. Claims 11-14 depend directly or indirectly on claim 10, and therefore, satisfy 35 USC 101 by virtue of the elements of claim 10.

CONCLUSION

In summary, Appellants request that all the rejections of the Examiner be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

Claim Listing:

1.   A computer implemented method for preparing for implementing technical change in an organization having multiple hierarchies, comprising the steps of:

in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization:

querying a hierarchy in the organization to obtain a baseline response regarding skills and training of members of the hierarchy based on those that are needed to implement the technical change;

automatically quantifying the baseline response into a raw score that indicates the skills and the training by assigning a value to each baseline response;

modifying the raw score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change to yield a skill score; and

comparing the skill score to a predetermined required score to determine a predicted response to the technical change; and

outputting the predicted response to the technical change.

2.   The method of claim 1, further comprising the steps of:

recommending a corrective action based on the predicted response; and implementing the technical change.

3.   The method of claim 1, wherein the querying step the steps of comprises:

querying a hierarchy in the organization; and

receiving a set of hierarchy responses to the querying to yield the baseline response.

4.   The method of claim 1, further comprising the step of providing queries organized into query topics for querying the hierarchy.

5.   The method of claim 4, wherein the query topics comprise leadership, planning, administration, operations, quality assurance, communications, project management, and training.

6.   The method of claim 4, wherein each query comprises a set of questions, with each question in the set of questions in a yes/no/sometimes format.

7.   The method of claim 1, wherein the hierarchies comprise senior management, mid-level management, administrators, analysts, operations, project management, and end users.

8.   The method of claim 1, wherein the querying step comprises the step of querying each of the hierarchies in the organization, and wherein a separate baseline response is obtained for each hierarchy and for the organization.

9.   The method of claim 8, wherein each separate baseline response is quantified, modified and compared to a predetermined required score.

10. A computer implemented method for implementing technical change in an organization having multiple hierarchies, comprising the steps of:

in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization:

querying each of the hierarchies in the organization regarding skills and training of members of the hierarchy based on those that are needed to implement the technical change;

receiving a set of hierarchy responses to the querying;

quantifying the set of responses into a raw score that indicates the skills and the training by automatically assigning a value to each baseline response;

modifying the raw score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change to yield a skill score;

comparing the skill score to a predetermined required score to determine a predicted response to the technical change; and

recommending a corrective action based on the predicted response; and

implementing the technical change in the organization.

11. The method of claim 10, wherein the hierarchies are queried based on queries organized into query topics.

12. The method of claim 11, wherein the query topics comprise leadership, planning, administration, operations, quality assurance, communications, project management, and training.

13. The method of claim 11, wherein each query comprises a set of questions, with each question in the set of questions in a yes/no/sometimes format.

14. The method of claim 10, wherein the hierarchies comprise senior management, mid-level management, administrators, analysts, operations, project management, and end users.

15.   A program product stored on a recordable medium for preparing for implementing technical change in an organization having multiple hierarchies, which when executed, comprises:

program code configured to receive a set of hierarchy responses to queries regarding skills and training of members of the hierarchy based on those that are needed in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization:

program code configured to automatically quantify the set of responses into a raw score that indicates the skills and the training;

program code configured to modify the raw score into a skill score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change; and

outputting, based on the skill score, a predicted response to the technical change.

16.   The program product of claim 15, further comprising:

program code configured for inputting information;

program code configured to compare the skill score to a predetermined required score to yield a predicted organizational response to the technical change; and

program code configured to output recommended corrective actions that are based on the predicted response.

17.   The program product of claim 15, wherein the program code configured to quantify converts the inputted responses into values to yield the raw score.

18. The program product of claim 15, wherein the program code configured to modify performs a mathematical operation on the raw score with the modifier to yield the skill score, and wherein the modifier comprises at least one of a stiffness modifier that relates to how a particular type of organization traditionally responds to change and an individual modifier that relates to how a particular individual traditionally responds to change.

19.   The program product of claim 15, wherein the program code configured to compare determines the mathematical difference between the skill score and the predetermined required

score to yield the predicted response.

20.   The program product of claim *15,* wherein the queries are organized into query topics, and wherein each query comprises a set of questions, with each question in the set of questions in a yes/no/sometimes format.

21.   The program product of claim 20, wherein the query topics comprise leadership, planning, administration, operations, quality assurance, communications, project management, and training.

22.   The program product of claim 15, wherein the hierarchies comprise senior management, mid-level management, administrators, analysts, operations, project management, and end users.

23.   A computer implemented system for preparing for implementing technical change in an organization having multiple hierarchies, comprising:

        a hierarchy response system for receiving a set of hierarchy responses to queries regarding skills and training of members of the hierarchy based on those that are needed in preparation for implementing a pre-determined proposed technical change in hardware or software used in a working environment of the organization:

        a quantification system for automatically quantifying inputted responses into a raw score that indicates the skills and training; and

        a modification system for modifying the raw score into a skill score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change; and

        an output system for outputting, based on the skill score, a predicted response to the technical change.

24.   The system of claim 23, further comprising:

        a comparison system for comparing the ~kill score to a predetermined required score to yield a predicted organizational response to the technical change; and

        an output system for outputting recommended corrective actions that are based on the predicted response.

25.   The system of claim 24, further comprising:

>   an input system for inputting information; and

>   a score system for identifying the required score.

26.   The system of claim 24, wherein the comparison system determines the mathematical difference between the skill score and the predetermined required score to yield the predicted response.

27.   The system of claim 23, wherein the quantification system converts the inputted responses into values to yield the raw score.

28.   The system of claim 23, wherein the modification system performs a mathematical operation on the raw score with the modifier to yield the skill score, and wherein the modifier comprises at least one of a stiffness modifier and an individual modifier.

29.   The system of claim 23, wherein the queries are organized into query topics, and wherein each query comprises a set of questions, with each question in the set of questions in a yes/no/sometimes format.

30.   The system of claim 29, wherein the query topics comprise leadership, planning, administration, operations, quality assurance, communications, project management, and training.

31.   The system of claim 23, wherein the hierarchies comprise senior management, mid-level management, administrators, analysts, operations, project management, and end users.

32.   A system for preparing for implementing technical change in an organization having multiple hierarchies, comprising:

means for receiving a set of hierarchy responses to queries regarding skills and training of members of the hierarchy based on those that are needed in preparation for implementing a predetermined proposed technical change in hardware or software used in a working environment of the organization:

means for quantifying inputted responses into a raw score that indicates the skills and the training by automatically assigning a value to each baseline response; and

means for modifying the raw score into a skill score using at least one modifier that relates to how responsive members of the hierarchy traditionally are to change; and

means for outputting, based on the skill score, a predicted response to the technical change.

33.   The system of claim 32, further comprising:

means for inputting information; means for comparing the skill score to a predetermined required score to yield a predicted organizational response to the technical change; and

means for outputting recommended corrective actions that are based on the predicted response.

EVIDENCE APPENDIX

No evidence is entered or relied upon in this Appeal.

RELATED PROCEEDINGS APPENDIX

There are no related decisions rendered by a court or the Board because there are no related appeals or interferences.